



# City of Seattle

Gregory J. Nickels, Mayor

**Department of Planning & Development**  
D. M. Sugimura, Director

## **CITY OF SEATTLE ANALYSIS AND DECISION OF THE DIRECTOR OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

**Application Number:** 3003082  
**Applicant Name:** Don Carson, Carlson Architects P. S.  
For QA Partners, LLC  
**Address of Proposal:** 420 Queen Anne Avenue N

### **SUMMARY OF PROPOSED ACTION**

Land Use Application for a six-story building containing 1,133 sq. ft. of ground floor retail and 23 residential units on floor two to five. Parking for 26 vehicles will be provided at and below grade.

The following approvals are required:

**Design Review:** Chapter 23.41 Seattle Municipal Code (SMC) Development Standard  
Departures from the Land Use Code are requested as follows:

1. Residential Lot Coverage
2. Non-Residential Street front façade
3. Depth of Non-residential space

**SEPA Environmental Determination:** pursuant to SMC Section 25.05

**SEPA DETERMINATION:** ☐ Exempt ☐ DNS ☐ EIS

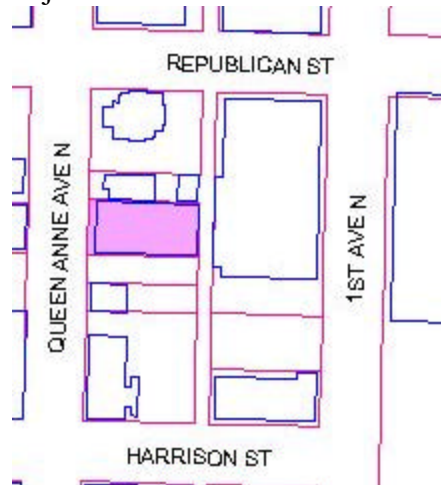
☒ DNS with conditions

☐ DNS involving non-exempt grading or demolition or  
involving another agency with jurisdiction.

\* Early Notice DNS published February 16, 2006

### **PROJECT AND VICINITY DESCRIPTION**

The proposed project site is zoned Neighborhood Commercial 3 (NC3-65) with a 65-foot height limit and is located on the east side of Queen Anne Avenue N, approximately 126 feet from the intersection of Queen Anne Avenue N and W Republican Street in the Uptown Queen Anne Urban Village Center. The site has 60-foot frontage on Queen Anne Avenue N with a lot depth of 120 feet. The subject site currently contains



a vacant structure, used previously as an automobile repair shop. Vehicular access is available from Queen Avenue N and from the alley. The site is bordered to the north by a recently constructed mixed-used building. The southerly adjacent property is a surface parking lot. The existing neighborhood context comprises a mix of older one-story commercial buildings and large office structures, as well as 3-story apartment buildings. There are also within the surrounding neighborhood a number of newer 6-story mixed-use buildings with ground level commercial and residential units above. The United States Post Office is located across the alley east of the site's rear property line. The subject site is located one block west of Key Arena and the Seattle Center. The property north of W Republic Street are zoned NC3-40. Development in the vicinity is predominantly a mixture of office, retail and multifamily residential uses.

#### Project Description:

The applicant proposes to construct a 5-story mixed-use building consisting of 4 floors of residential units for a total of 23 units, and parking for 26 vehicles to be provided on 2 levels, one level essentially below grade, with the upper level behind the street front commercial space. Vehicular access to parking will be via an existing 16-foot wide alley located to the east of the rear property line. The design shows 1,133 square feet ground level retail space with anodized, aluminum storefront windows under a steel frame canopy along Queen Anne Avenue N.

#### Public Comment

One member of the public attended the Early Design Guidance meeting. Comments and concerns offered were as follows:

- Development of the site from property line to property line makes sense for any infill development in an urban center
- Create in the design a variation between the residential and commercial components of the building.

No members of the public attended the recommendation meeting held on July 12, 2006.

### **ANALYSIS – DESIGN REVIEW**

#### Design Guidance

Three alternative designs schemes were presented at the early design guidance meeting. All of the options include one hundred percent (100%) lot coverage at the ground floor level with residential units above, below grade parking for 26 vehicles with vehicles access from the alley. The first and preferred scheme (Option A) proposed horizontal massing of the residential portion of the building with a recessed more than fifteen feet from the south property line to create a roof deck open space on the second level over the parking garage below. The second alternative (Option B) is similar to the first scheme except for a recessed on the north, south and east to create a U-shaped roof-top deck open space at the second level portion of the building. The third scheme (Option C) proposed roof top decks open spaces on the second level recessed on both the north and south side of the building.

After visiting the site, considering the analysis of the site and context provided by the proponents, and hearing public comments, the Design Review Board members provided the siting and design guidance and identified by letter and number those siting and design guidance found in the City of Seattle's "*Design Review: Guidelines for Multifamily & Commercial Buildings*" of highest priority to this project.

## **RECOMMENDATION**

The applicant applied for a MUP permit on February 10, 2006. On July 12, 2006, the Design Review Board was convened to reviewed and make recommendation to DPD. At this meeting site, landscaping and floor plans, as well as elevation sketches and renderings were presented for members' consideration. The design presented has evolved since the first meeting to include façade modulation along Queen Anne Avenue N, a recessed garden court on the second floor with south facing deck projections over the garden court below. The proposed project design is predominantly a combination of metal siding and steel frame with a substantial amount of glazing to provide great views and create a lively building that relates well with the other adjacent contemporary buildings in the p vicinity. The proposed project includes aluminum storefront windows along the entire length of the commercial space with steel canopies over the main commercial as well as the residential entrance on Queen Anne Avenue N. The right-of-way along Queen Anne Avenue N is shown with new planting strip and large street trees between the property line and the side walk. The building finishes wrap around the southwest and the southeast corner to the alley as suggested by the Board. The guidance by the Board appears after the bold guidelines text and the recommendations from the final meeting follow in italicized text.

### **A - SITE PLANNING**

#### **A-1 Responding to Site Characteristics**

*The siting of buildings should respond to specific site conditions and opportunities.*

#### **A-2 Streetscape Compatibility**

*The sitting of buildings should acknowledge and reinforce the existing desirable and spatial characteristics of the right-of-way.*

#### **A-3 Entrances Visible from the Street**

*Entries should be clearly identifiable and visible from the street.*

#### **A-5 Respect for Adjacent sites**

*Buildings should respect adjacent properties by being located on their site to minimize disruption of the privacy and outdoor activities of residents in adjacent buildings*

#### **A-7 Residential Open Space**

*Residential projects should be sited to maximize opportunity for creating usable, attractive, well-integrated open space.*

#### **A-8 Parking and Vehicle Access**

The Board emphasized the importance of maintaining a respectful and consistent relationship of the overall massing and design of the building to the streetscape, pedestrian environment and general pattern in the vicinity. The Queen Anne façade should enhance and encourage interesting pedestrian activity, while integrating the commercial development along the length of the street. The Board noted that the small windows on the Queen Anne façade have not achieved the intended goal of modulating the façade to eliminate any appearance of blank facade along the street.

The Board was in support of a design and would like to see on the west façade, wider windows on the residential portion of the building. The Board also encouraged extending windows on the southern corner of the western most façade towards the middle to provide more glazing and reduce the blank wall appearance in the middle of the façade. The Board noted a willingness to support the departure from lot coverage if the residential entry is fully articulated and stands out in a way that gives the building character and further defines the streetscape along Queen Anne Avenue N.

*1. At the Recommendation meeting: the Board Recommended that the design should be changed to show wider vertical window panels to reduce the amount blank wall and provide a consistent pattern to achieve a pleasing composition along the rest of the façade.*

The Board further discussed that the design did not clearly identify the residential and commercial entries areas of the building. The Board agreed that situating the residential entrance on the northern end of the façade makes sense but that it is not very clearly identifiable on the design. With the proposed commercial entrance located to the southern corner of the façade, the Board noted that the residential entrance should be further emphasized into a gracious entryway. The Board noted that interior hallway to the residential units should be more transparent and should include sky lights to maintain gracious visual interaction between the private and public realms as residents enter the hallway.

*2. At the Recommendation meeting: the design should be changed to show a gracious residential entrance leading into a transparent hallway with detail glazed interior walls on the retail side to create a gracious welcoming space. The Board emphasized that the approval of the final design of the residential entrance should be the responsibility of the project Planner.*

The Board agreed that treatment of the residential entrance is appropriate and will add to the character and quality of the Queen Anne façade. The architect stated that the design will include metal gate with a steel canopy that distinguishes the entry.

## **B – HEIGHT, BULK AND SCALE COMPATIBILITY**

### ***B-1 Height, Bulk and Scale***

*Projects should be compatible with the scale of development anticipated by the applicable Land Use Policies for the surrounding area and should be sited and designed to provide a sensitive transition to near-by, less-intensive zones.*

The Board was in support of the division of the commercial level into two spaces with multiple entrances to the commercial spaces. The Board agreed that the combination of large transparent storefront windows with overhead weather protection above and several vertical columns used to break the storefront windows into sections below, lend a nice sense of scale and detail to the streetscape. The Board noted that the design for the west facade should incorporate horizontal architecture features similar to those found on the abutting the counterbalance building to the north. The Board further noted that these horizontal features should be aligned with the same features on the counterbalance building to create a relationship between the two buildings and vary the massing at the upper floors to reduce the scale and apparent height of the building.

*3. At the Recommendation meeting: the horizontal architectural features of the 420 Queen Anne building and the counterbalance building should be aligned to create a relationship that will be visually pleasing and create a variation of the masses and reduce the scale and apparent height of the two buildings.*

## **C - ARCHITECTURAL ELEMENTS AND MATERIALS**

### ***C-1 Architectural Context***

*New buildings proposed for existing neighborhoods with a well-defined and desirable character should be compatible with or compliment the architectural character and siting pattern of neighboring buildings.*

**C-2 Architectural Concept and Consistency**

*Building design elements, details and massing should create a well-proportioned and unified building form and exhibit an overall architectural concept.*

*Buildings should exhibit form and features identifying the functions within the building.*

*In general, the roofline or top of the structure should be clearly distinguished from its façade walls.*

**C-4 Exterior Finish Materials**

*Building exteriors should be constructed of durable and maintainable materials that are attractive even when viewed up close. Materials that have texture, pattern, or lend themselves to a high quality of detailing are encouraged.*

The Board reviewed a design using high quality materials and architectural detailing that includes a variety of features along the length of the building that integrates the ground levels with the upper floors. The Board suggests stronger vertical columns that extend from individual storefront to the cornices. The Board noted that the use high quality materials including metal siding as well as steel framing and substantial amount of glazing to provide great views will add to creating a lively building would relates well with other contemporary buildings within the lower Queen Anne Neighborhood.

*4. At the Recommendation meeting: the Board recommended that the design should use the vertical columns along the store front to emphasize the relationship between the ground level commercial spaces with the residential portion above to form a unified building design.*

**D – PEDESTRIAN ENVIRONMENT**

**D-1 Pedestrian Open Spaces and Entrances**

*Provide convenient, attractive and protected pedestrian entries.*

**D-2 Blank Walls**

*Building should avoid large blank walls facing the street, especially near sidewalks.*

**D-6 Screening of Dumpsters, Utilities and Services Areas**

*Building sites should locate service elements like trash dumpsters, loading docks and mechanical equipment away from the street front where possible.*

The Board agreed that the design should provide recessed, inset private decks rather than protruding decks. Overall, the board was interested in seeing framed decks, creating solid plane without the interruption of cantilevered balconies on the west façade along Queen Anne Avenue N. Given the location along the commercial street of lower Queen Anne, the Board strongly stated the need for a design that reinforces pedestrian and sidewalk activity along Queen Anne Avenue N. The Board also felt that the right-of-way along Queen Anne at the project location be improved with street trees, landscaping, lighting, seating, textures, paving, and other elements that contribute to a vibrant and interesting streetscape.

The Board noted that the south façade along the level of the parking garage will be highly visible from the south and should be designed accordingly, integrating architectural features and detailing that is interesting and avoids becoming a blank wall.

*5. At the Recommendation meeting: the Board recommended that the design should employ different texture, colors or materials, to break the blank wall on the southern portion of the building.*

## **E - LANDSCAPING**

### ***E-1 landscaping to Reinforce Design Continuity with Adjacent Sites***

*Where possible, and where there is not another overriding concern, landscaping should reinforce the character of neighboring properties and abutting streetscape.*

### ***E-2 Landscaping to Enhance the Building and/or site***

*Landscaping, including living plants, special pavement, trellises, screen walls, planters, site furniture and similar features should be appropriately incorporated into the design to enhance the project.*

The Board strongly encouraged the applicant to work with DPD in consultation with SDOT in the design of improvements on the right-of-way. The Board agreed that the landscaping should reinforce the character of the open space on rooftop decks and balconies.

*6. At the Recommendation meeting: the Board supports and recommends some landscaping in right-of-way on Queen Anne Avenue N.*

## **DEVELOPMENT STANDARD DEPARTURES**

One departure was initially requested at the time of the Recommendation meeting. During zoning review for the building permit application, two departures were added to the number of departures being requested by the applicant. The two departures are, width of Non Residential Street front façade and Depth of non residential space,

**Lot Coverage (SMC 23.47.008 D):** The applicant proposed a development standard departure to increase the lot coverage from 64% (4,608 sq. ft) to 68% (4896 sq. ft). Therefore 4896-4608 = 288 additional square feet. The additional 4% lot coverage is being used to compensate for setbacks at the upper floors which reduce the scale of the building and help it to relate better to the smaller scale of the surrounding neighborhood (A-5). The Board indicated with a vote of four to one in support for the departure request given that the building steps back four feet along Queen Anne Avenue and includes recessed areas at the top floor, wrapping around the building to the alley and the inclusion of the commercial space. In addition, the Board agreed that the street level details and amenities are substantial including landscaping, seating, colored concrete, light fixtures and gracious residential entrance (A-2, A-3, A-5, C-1, C-1, C-2). Therefore, the requested departure is approved.

**Commercial Street Front-Width (SMC 23.47.008 B):** The applicant proposes a development standard departure to reduce the commercial street front width from 80% to 73% (60' – 16' = 44'). The project proposes 44' 0" (73%) commercial street front on Queen Anne Avenue N. The residential entrance would be under sized if 80% requirement is met. In addition, the Design Review Board noted that the residential entry should be prominent on Queen Anne Avenue N to reinforce the presence of the residential uses. The Board noted that the residential entrance should be further emphasized to create a gracious entryway. Due to the narrow width of the lot and the intent of the design to create a gracious interior hallway to the residential units, the residential entrance was made wider thus taking up some proposed commercial space. The approval of this departure would be based on the same reasons agreed by the Board, that that the street level details and amenities are substantial including landscaping, seating, colored concrete, light fixtures and gracious residential entrance (A-1, A-3, A-6, C-2, C-4). Therefore, the requested departure is approved.

**Commercial Space - Depth (23.47.008. B):** The code requires the nonresidential space to extend at least thirty (30) feet in depth at the street level from the street front façade of the structure, provided the minimum required depth may be averaged to be fifteen (15) feet. The project design proposes reduced depth of 27 feet for the commercial space. The rationale being that the refuse and recycling area at the back of the lot was enlarged to meet code. In addition, the length of the residential interior hallway eliminated some parking stall, which were relocated some where else on the lot thus the depth of the commercial space was reduced to accommodate parking. The approval of this departure would be based on the same reasons agreed by the Board that that the street level details and amenities are substantial including landscaping, seating, colored concrete, light fixtures and gracious residential entrance (A-1, A-3, A-6, C-2, C-3, C-4, D-6, E-2). Therefore, the requested departure is approved.

<b>Development Standard</b>	<b>Requirement</b>	<b>Proposed</b>	<b>Rationale by the Applicant</b>	<b><u>Recommendation</u></b>
Residential lot coverage above 13 feet.	64% (64% x 7200) or approx. 4,608 square feet	68% (68% x 7200) = 4896-4608 = or approx 288 square feet	Additional 4% lot coverage is being used to compensate for setbacks at upper floors which reduce the scale of the building.	The Board approved the departure 4 to 1 vote.
<b>SMC 23.47.008B:</b> Eighty (80) percent of structure street front façade at street level shall be occupied by non residential space	80% commercial frontage after 16' residential entry. = 44'. 80% x 44' = 35.2'	44' 0" = 73%	Increase the size of the residential entry to meet the design of objective of creating a gracious welcoming hallway to the residential units.	The Board approved the departure 4 to 1 vote
<b>SMC 23.47.008B</b> Depth of the Nonresidential use at street level	Minimum required depth = 30'. Averaged to a minimum of 15'	27' 0" commercial space	Refuse recycling area widened to meet SMC req. Modification of residential hallway resulted in the relocation of some parking stalls in the parking garage.	The Board approved the departure 4 to 1 vote

### **BOARD RECOMMENDATION**

After considering the proposed design and the project's context, hearing public comments and reconsidering the previously stated design priorities, the five Design Review Board members agreed that the applicant addressed the design guidance provided in their previous meeting. The Design Review Board **recommends approval** of the design as shown in the updated Master Use Permit Plans. *(Based on satisfaction of the Guidelines – A-1, A-2, A-3, A-5, A-7, A-8, B-1, C-1, C-2, C-4, D-1, D-2, D-6, E-1, E-2).*

## **DIRECTOR'S ANALYSIS & DECISION – DESIGN REVIEW**

DPD has reviewed the recommendations of the five Design Review Board members present at the Design Review meetings and finds that their recommendations are consistent with the City of Seattle Design Review Guidelines for Multifamily Buildings. The Master Use Permit (MUP) plans should be updated to incorporate the Board's recommendations. In addition to the guidance noted above, the Board recommended that:

- The design should be changed to show wider vertical window panels to reduce the amount of blank wall and provide a consistent pattern to achieve a more pleasing composition along the rest of the façade (C-1, C-2, D-2)
- The design should be changed to show a more gracious residential entrance leading into a more transparent hallway with glazed interior walls on the retail side to create a gracious welcoming space. The Board emphasized that the approval of the final design of the residential entrance should be the responsibility of the project Planner (A-3, C-2)
- The horizontal architectural features of the 420 Queen Anne building and the counterbalance building should be aligned as much as possible to create a relationship that will be visually pleasing and create a variation of the masses and reduce the scale and apparent height of the two buildings (C-2, B-1)
- The design shall employ different texture, colors or materials, to break the blank wall on the southern portion of the building (C-1, C-2, C-3)
- The updated designs shall be presented to the planner for approval before issuance of MUP and plans.

The Director of DPD accepts the Design Review Board's recommendations and **conditionally approves** the proposed design as presented at the March 27, 2006 meeting.

## **ANALYSIS - SEPA**

The initial disclosure of the potential environmental impacts on this project was made in the threshold determination and environmental checklist prepared by Don Carlson on January 12 2006. The information in the checklist, the supplemental information submitted by the application, field inspection, public comments and the experience of the lead agency with similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority.

The Overview Policy states, in part, that *"Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation"* subject to some limitations. Under such limitations/circumstances (SMC 25.05.665 D1-7) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate.

Several adopted City codes and/or ordinances apply to this proposal. Specifically these are: the Grading Ordinance (Storm water runoff, temporary soil erosion, and site excavation), 2) Street



Use Ordinance (tracking of mud into public streets, and obstruction of right-of-way during construction), 3) Noise Ordinance, 4) Land Use Code and 5) Building Code and 6) Seattle Energy Code. Compliance with these codes and ordinances will be adequate to achieve sufficient mitigation of identified impacts.

#### Short – Term Impacts

The following temporary construction-related impacts are expected on this site: temporary soil erosion; increased noise from construction operations and equipment; increase traffic and parking demand from construction personnel; tracking of mud onto adjacent streets by construction vehicles; conflict with normal pedestrian movement adjacent to the site; and consumption of renewable and nonrenewable resources. Due to the temporary nature and limited scope of these impacts, they are not considered significant. Although not significant, these impacts are adverse, and in some cases, mitigation is warranted.

#### Air Quality Impacts

Construction on this site will create dust, leading to an increase in the level of suspended air particulates, which could be carried by wind out of the construction area. Compliance with the Street Use Ordinance (SMC 15.22.060) will require the contractors to water the site or use other dust palliative, as necessary, to reduce airborne dust. In addition, compliance with the Puget Sound Clean Air Agency regulations will require activities which produce airborne materials or other pollutant elements to be contained within temporary enclosure. Other potential sources of dust would be soil blowing from uncovered dump trucks and soil carried out of the construction area by vehicles frames and tires, which could deposited on adjacent streets and become airborne.

The Street Use Ordinance also requires the use of tarps to cover the excavation materials while in transit and the clean up of adjacent roadway and sidewalks periodically. Construction traffic and equipment are likely to produce carbon monoxide and other exhaust fumes. If asbestos is contained within portions of the structure, an adverse impact to air quality could be created if the asbestos is not properly removed. Puget Sound Clean Air Agency (PSCAA), the Washington Department of Labor and Industry, and EPA regulations provide for the safe removal and disposal of asbestos. In addition, PSCAA regulations require control of fugitive dust to protect air quality. A condition will be included pursuant to SEPA authority under SMC 25.05.675A requires that a copy of a PSCAA permit (if necessary) be submitted to DPD before issuance of a demolition permit. This will assure proper handling and disposal of asbestos, if it is encountered on proposed site.

#### Noise-Related Impacts

Residential and commercial uses in the vicinity of the proposal will experience increased noise impacts during different phases of construction on the site (demolition, excavation and shoring). Compliance with the Noise Ordinance (SMC 25.08) is required and will limit the use of loud equipment registering 60 dBA or more at the receiving property line or 50 feet to the hours between 7:00 a.m. and 10:00 p.m. on weekdays and between 9:00 a.m. and 10:00 p.m. on weekends and holidays.

Although compliance with the Noise Ordinance is required, due to the presence of nearby residential uses additional measures to mitigate the anticipated noise impacts is necessary. The SEPA Policies at SMC 25.05.675.B and 25.05.665 allow the Director to require additional

mitigating measures to further address adverse noise impacts during construction. Pursuant to these policies, it is Department's conclusion that limiting hours of construction beyond the requirements of the Noise Ordinance is warranted. Therefore, as a condition of approval, all construction activities are subject to the limitations of the Noise Ordinance. Construction activities (including and not limited to demolition, grading, deliveries, framing, roofing and painting) shall be limited to non-holiday weekdays from 7 am to 6 pm. Interior work that involves mechanical equipment, including compressors and generators, may be allowed on Saturdays between 9 am and 6 pm once the shell of the structure is completely enclosed, provided windows and doors remain closed. Non-noisy activities, such as site security, monitoring, weather protection shall not be limited by this condition. (Work would not be permitted on the following holidays: New Years Day, Martin Luther King Jr.'s Day, President's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, the day following Thanksgiving Day, and Christmas Day.)

#### Street and Sidewalks

The Street Use Ordinance includes regulations which mitigate dust, mud, and circulation impacts on adjacent streets and sidewalks during construction. Any temporary closure of the sidewalk and/or traffic lane(s) is controlled with a street use permit through the Seattle Department of Transportation (SDOT.) It is the City's policy to minimize or prevent adverse traffic impacts which would undermine the stability, safety, and/or character of a neighborhood or surrounding areas (25.05.675 R).

Since the proposal site is located on the east side of Queen Anne Avenue N, construction vehicles associated with demolition, excavation and materials delivery making left turns in and out of the construction site may cause traffic congestion on the street and may periodically impact south bound traffic on Queen Anne Avenue N. However due to the relatively minor scope of work and limited duration of construction activities, no SEPA-related conditioning is warranted.

#### Long-Term Impacts

Potential long-term or use related impacts anticipated by this proposal include: increased ambient noise associated with increased human activity and vehicular movement; minor increase in light and glare from exterior lighting, light from windows and from vehicle traffic (headlights); increased traffic and parking demand due to employees' residents and visitors; increased airborne emissions resulting from additional traffic; increased demand on public services and utilities; and increased energy consumption. These long-term impacts are not considered significant because they are minor in scope, but some warrant further discussion.

#### Parking

The Land Use Code requires a total of twenty six (26) parking spaces for the proposed mixed building. According to the project plan submitted by the applicant, twenty nine (29) parking spaces have been proposed. Due to the proximity to Metro bus service on Queen Anne Avenue N and the modest size of the commercial building, no unusual parking demand is anticipated in the surrounding area. The twenty-nine (29) parking spaces on site are expected to accommodate the parking demand generated by the proposed residential and retail uses in the building. Therefore, no mitigation of parking impacts is necessary pursuant to SEPA.

### Traffic and Transportation

The Institute of Transportation Engineers (ITE) Trip Generation Manual (7<sup>th</sup> edition) estimates that the amount of traffic expected to be generated by the proposed project is 11 trips in the peak a.m. and 14 trips in the peak p.m. hours. This amount of trip is well within the capacity of the streets in the immediate area and no SEPA mitigation of traffic impacts is warranted.

### Height, Bulk and Scale

The proposed 5-story building will be located in a Neighborhood Commercial 3- 65 foot (NC3-65) zone. The site is bordered to the north by a recently constructed mixed-used building. The south adjacent property is currently a surface parking lot. The existing neighborhood context comprises a mix of older one story commercial buildings and large office structures, as well as 3-story apartment buildings. There are also within the surrounding neighborhood a number of newer 6-story mixed use buildings with ground level commercial and residential units above. The United States Post Office is located across the alley east of the site's rear property line. The subject site is located one block west of Key Arena and the Seattle Center. The NC3-65 zone abuts the NC3-40 zone to the north. Development in the vicinity is predominantly a mixture of office, retail and multifamily residential uses.

The SEPA Height, Bulk and Scale Policy (Section 25.06.675.G., SMC) states that *"the height, bulk and scale of development projects should be reasonably compatible with the general character of development anticipated by the adopted Land Use Policies...for the area in which they are located, and to provide for a reasonable transition between areas of less intensive zoning and more intensive zoning."* In addition, the SEPA Height, Bulk and Scale Policy states that *"(a) project that is approved pursuant to the Design Review Process shall be presumed to comply with these Height, Bulk and Scale policies. This presumption may be rebutted only by clear and convincing evidence that height, bulk and scale impacts documented through environmental review have not been adequately mitigated."*

The proposal was reviewed and approved through the Design Review process and conforms to the Citywide Design Guidelines. Design details, colors and finish materials will contribute towards mitigating the perception of height, bulk and scale in that these elements will break down the overall scale of the building. No further mitigation of height, bulk and scale impacts is warranted pursuant to SEPA policy (SMC 25.06.675.G.).

### Other Impacts

Several codes adopted by the City will appropriately mitigate other long-term adverse impacts created by the proposal. Specifically these are: Grading and Drainage Control Ordinance (storm water runoff from additional site coverage by impervious surface); Puget Sound Clean Air Agency regulations (increased airborne emissions); and the Seattle Energy Code (energy consumption in the long term).

### **DECISION - SEPA**

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this

declaration is to satisfy the requirements of the State Environmental Policy Act (RCW 43.21C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance: This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030 (2) (c).

## **CONDITIONS – DESIGN REVIEW**

### **Non-Appealable Conditions**

1. Any proposed changes to the exterior of the building or the site must be submitted to DPD for review and approval by Christopher A Ndifon, Land Use Planner, 206-684-5046, or by Vincent T. Lyons, Design Review Manager, 206-233-3823. Any proposed changes to the improvements in the public right-of-way must be submitted to DPD and SDOT for review and for final approval by SDOT.
2. Compliance with all images and text on the MUP drawings, design review meeting guidelines and approved design features and elements (including exterior materials and landscaping) shall be verified by Christopher A. Ndifon, Land Use Planner, 206-684-5046, or by Vincent T. Lyons, Design Review Manager, 206-233-3823 at a Pre-construction meeting. The proponent must retain the fenestration, architectural features and elements, and arrangement of finish materials and colors presented to the Design Review Board on January March 27, 2006 and as updated in the issued MUP plans.
3. Embed all of these conditions in the cover sheet for the MUP permit and for all subsequent permits including updated MUP plans, and all building permit drawings.

### **Prior to Issuance of Master Use Permit**

Update the Master Use Permit plans to include the following:

4. On the west façade along Queen Anne Avenue N provide wider vertical window panels to reduce the amount of blank wall and provide a consistent pattern to achieve a more pleasing composition along the rest of the façade (C-1, C-2, D-2)
5. The residential entrance shall be designed to show a more gracious residential entrance leading into a more transparent hallway with glazed interior walls on the retail side to create a gracious welcoming space (A-3, C-2).
6. On the west façade, the horizontal architectural features of the 420 Queen Anne building and the counterbalance building shall be aligned as much as possible to create a relationship that will be visually pleasing and create a variation of the masses and reduce the scale and apparent height of both the counterbalance building and the site (C-2, B-1).
7. On the south façade, the design shall employ different texture, colors or material, to break the blank wall on the southern portion of the building (C-1, C-2, C-3)

## **CONDITIONS – SEPA**

### **Prior to issuance of a Demolition Permit**

8. Prior to the commencement of demolition activities, the proponent will be required to submit a copy of the Puget Sound Clean Air Agency (PSCAA) notice of construction. If asbestos is present on the site, PSCAA, the Department of Labor and Industry, and EPA regulations will provide for the safe removal and disposal of asbestos.

### **During Construction**

The following condition(s) to be enforced during construction shall be posted at the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. If more than one street abuts the site, conditions shall be posted at each street. The conditions will be affixed to placards prepared by DPD. The placards will be issued along with the building permit set of plans. The placards shall be laminated with clear plastic or other waterproofing material and shall remain posted on-site for the duration of the construction.

9. All construction activities are subject to the limitations of the Noise Ordinance. Construction activities (including and not limited to demolition, grading, deliveries, framing, roofing and painting) shall be limited to non-holiday weekdays from 7 am to 6 pm. Interior work that involves mechanical equipment, including compressors and generators, may be allowed on Saturdays between 9 am and 6 pm once the shell of the structure is completely enclosed, provided windows and doors remain closed. Non-noisy activities, such as site security, monitoring, weather protection shall not be limited by this condition. The applicant will be required to limit the hours of construction activity not conducted entirely within an enclosed structure to non-holiday weekdays between 7:00 a.m. and 6:00 p.m. and on Saturdays between 9:00 a.m. and 6:00 p.m. (Work would not be permitted on the following holidays: New Years Day, Martin Luther King Jr.'s Day, Presidents' Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Day and Christmas Day).

Construction activities outside the above-stated restrictions may be authorized by the Land Use Planner when necessitated by unforeseen construction, safety, or street-use related situations. Request for extended construction hours or weekend days must be submitted to the Land Use Planner at least three (3) days in advance of the requested dates in order to allow DPD to evaluate the request.

10. The sidewalk along the project site shall be kept open and safely passable throughout the construction period. A determination by SDOT that closure of this sidewalk is temporarily necessary, for structural modification or other purposes, shall overrule this condition. Additionally, the proponent shall submit a construction-phase transportation plan to address street and sidewalk closures, as well as truck routes and hours of truck traffic for further mitigation of their identified impacts.

Signature: (signature on file) Date: April 23, 2007  
Christopher A. Ndifon, Land Use Planner